Crl.Misc.No.53696-M of 2006

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Bhanwar Singh Vs. State of Haryana

Present : Mr. B.S. Saroha, Advocate for the petitioner.
Mr. J.S. Toor, Addl.A.G. Haryana.

Prayer in this petition is, for grant of regular bail in case FIR No.205 dated 14.8.2006, registered under Sections 399 and 402 IPC at Police Station Dharuhera, Distt.Rewari.

The petitioner was arrested alongwith his co-accused, while armed with an iron rod. As per the allegations recorded in the FIR, the petitioner and his co-accused were making preparation for robbing vehicles, travelling on the National highway.

Counsel for the petitioner contends that the petitioner has been falsely implicated. No act of dacoity or robbery has been attributed to him. It is contended that the petitioner is a young man and has been arrested by the police, on account of local village rivalry. It is stated that the petitioner has an unblemished record and has no previous criminal record. The allegations of preparation of dacoity are not sufficient to constitute offences under Sections 399 and 402 of the IPC.

Counsel for the State of Haryana states that as the petitioner and his co-accused were arrested while making preparation to commit robbery. A iron rod was recovered from the petitioner and he should, therefore, not be released on bail. It is, however, not denied that the petitioner does not have previous criminal record.

I have heard learned counsel for the parties and perused the paper book.

The petitioner has been behind bars since 14.8.2006. The challan has been presented and charges have been framed. The prosecution has cited 9 witnesses and, therefore, the trial is likely to be protracted. The petitioner does not have any previous criminal record. The correctness of the allegations levelled by the prosecution are yet to be determined by the trial Court.

Counsel for the State of Haryana has not expressed any apprehension that if released on bail, the petitioner would subvert the trial and/or try to win over the witnesses.

Bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Rewari.

Nothing stated herein shall be construed to be an expression of opinion on the merits of the case.

17.11.2006 (RAJIVE BHALLA)
GS JUDGE